

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas David Starkey  
Serial No.: Concurrent Herewith  
Filed: July 15, 2003  
For: A Device And Method To Limit Filling Of The Heart  
Group No. Not yet Assigned  
Attorney's Docket No. N9464-ICW  
Customer No. 23456

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.56, applicant hereby calls to the attention of the Patent and Trademark Office the following patents and other documents which are listed on attached Form PTO-1449.

This Information Disclosure Statement is being filed within three months of filing date of the above-referenced application.

1. U.S. Patent No. 60/474,310 filed May 30, 2003, by Thomas David Starkey.
2. U.S. Patent No. 5,092,879 issued March 3, 1992, to Jarvik.
3. U.S. Patent No. 5,702,343 issued December 30, 1997, to Alferness.
4. U.S. Patent No. 5,824,070 issued October 20, 1998, to Jarvik.
5. U.S. Patent No. 5,957,977 issued September 28, 1999, to Melvin.
6. U.S. Patent No. 5,967,440 issued October 5, 1999, to Schweich, Jr., et al.
7. U.S. Patent No. 6,024,096 issued February 15, 2000, to Buckberg.

8. U.S. Patent No. 6,045,497 issued April 4, 2000, to Schweich, Jr., et al.
9. U.S. Patent No. 6,050,936 issued April 18, 2000, to Schweich, Jr., et al.
10. U.S. Patent No. 6,059,715 issued May 9, 2000, to Schweich, Jr., et al.
11. U.S. Patent No. 6,077,214 issued June 20, 2000, to Mortier, et al.
12. U.S. Patent No. 6,077,218 issued June 20, 2000, to Alferness.
13. U.S. Patent No. 6,085,754 issued July 11, 2000, to Alferness, et al.
14. U.S. Patent No. 6,126,590 issued October 3, 2000, to Alferness.
15. U.S. Patent No. 6,123,662 issued September 26, 2000, to Alferness, et al.
16. U.S. Patent No. 6,155,972 issued December 5, 2000, to Nauertz, et al.
17. U.S. Patent No. 6,162,168 issued December 10, 2000, to Schweich, Jr., et  
al.
18. U.S. Patent No. 6,165,119 issued December 26, 2000, to Schweich, Jr., et  
al.
19. U.S. Patent No. 6,165,120 issued December 26, 2000, to Schweich, Jr., et  
al.
20. U.S. Patent No. 6,165,121 issued December 26, 2000, to Alferness.
21. U.S. Patent No. 6,165,122 issued December 26, 2000, to Alferness.
22. U.S. Patent No. 6,169,922 issued January 2, 2001, to Alferness, et al.
23. U.S. Patent No. 6,174,279 issued January 16, 2001, to Girard.
24. U.S. Patent No. 6,183,411 issued February 6, 2001, to Mortier, et al.
25. U.S. Patent No. 6,190,408 issued February 20, 2001, to Melvin.
26. U.S. Patent No. 6,193,648 issued February 27, 2001, to Krueger.

27. U.S. Patent No. 6,221,104 issued April 24, 2001, to Buckberg, et al.
28. U.S. Patent No. 6,230,714 issued May 15, 2001, to Alferness, et al.
29. U.S. Patent No. 6,241,654 issued June 5, 2001, to Alferness.
30. U.S. Patent No. 6,260,552 issued July 17, 2001, to Mortier, et al.
31. U.S. Patent No. 6,261,222 issued July 17, 2001, to Schweich, Jr.
32. U.S. Patent No. 6,264,602 issued July 24, 2001, to Mortier, et al.
33. U.S. Patent No. 6,332,863 issued December 25, 2001, to Scheich, Jr.
34. U.S. Patent No. 6,332,864 issued December 25, 2001, to Schweich, Jr., et  
al.
35. U.S. Patent No. 6,332,893 issued December 25, 2001, to Mortier, et al.
36. U.S. Patent No. 6,375,608 issued April 23, 2002, to Alferness.
37. U.S. Patent No. 6,370,429 issued April 9, 2002, to Alferness, et al.
38. U.S. Patent No. 6,402,679 issued June 11, 2002, to Mortier, et al.
39. U.S. Patent No. 6,402,680 issued June 11, 2002, to Mortier, et al.
40. U.S. Patent No. 6,406,420 issued June 18, 2002, to McCarthy, et al.
41. U.S. Patent No. 6,409,760 issued June 25, 2002, to Melvin.
42. U.S. Patent No. 6,416,459 issued July 9, 2002, to Haindl.
43. U.S. Patent No. 6,425,856 issued July 30, 2002, to Shapland, et al.
44. U.S. Patent No. 6,439,237 issued August 27, 2002, to Buckberg, et al.
45. U.S. Patent No. 6,450,171 issued September 17, 2002, to Buckberg, et al.
46. U.S. Patent No. 6,482,146 issued November 19, 2002, to Alferness, et al.
47. U.S. Patent No. 6,514,194 issued February 4, 2003, to Schweich, Jr., et

al.

48. U.S. Patent No. 6,520,904 issued February 18, 2003, to Melvin.
49. U.S. Patent No. 6,537,198 issued March 25, 2003, to Vidlund, et al.
50. U.S. Patent No. 6,537,203 issued March 25, 2003, to Alferness, et al.
51. U.S. Patent No. 6,544,167 issued April 8, 2003, to Buckberg, et al.
52. Article from *The Journal of Thoracic and Cardiovascular Surgery*, February 1998, Pages 381- 388 *Intermediate-Term Outcome of Mitral Reconstruction in Cardiomyopathy*, Arthurs: Bolling, MD, Pagani, Md, PhD, Deeb, MD, and Bach, MD.
53. Article from *JAMA* February 6, 2002, Vol. 287, No. 5: *Medical Management of Advanced Heart Failure*, Arthurs: Nohria, MD, Lewis, MD, Stevenson, MD, Pages 628-640.
54. *Heart Disease and Stroke Statistics - 2003 Update*, American Stroke Association, Pages 1-43.
55. Article: *Pathophysiology of Heart Failure in Heart Disease, a Textbook of Cardiovascular Medicine*, Pages 453-471, Braunwald, MD, W.B. Saunders, 1980.
56. Article from *The Journal of Thoracic and Cardiovascular Surgery*, *Evolving Technology*, Volume 125, No. 2: *Left Ventricular Reshaping: Effects on the Pressure-Volume Relationship*, Arthurs Kashem, MD, PhD, Hassan, MD, PhD, Crabbe, MD, Melvin, MD, Santamore, PhD, Pages 391-399.
57. Article from *The Journal of Thoracic and Cardiovascular Surgery*, *Evolving Technology*, September 2001, Volume 122, No. 3: *Device-based Change in*

*Left Ventricular Shape: A New Concept for the Treatment of Dilated Cardiomyopathy*,  
Authors: McCarthy, MD, Takagaki, MD, PhD, Ochial, MD, Tabata, MD, PhD, Shiota,  
MD, Qin, MD, Thomas, MD, Mortier, BS, Schroeder, BS, Schweich, Jr., MD,  
Fukamachi, MD, PhD, Pages 482-490.

58. Article from *The Journal of Heart and Lung Transplantation*, June 2002,  
Volume 21, No. 6: *Myosplint Implant and Shape-Change Procedure: Intra- and Peri-  
operative Safety and Feasibility*, Authors: Schenk, MD, Reichenspurner, MD, PhD,  
Boehm, MD, PhD, Groetzner, MD, Schirmer, MD, Detter, MD, Koglin, MD,  
Schwaiblmair, Meiser, MD, and Reichart, MD, Pages 680-686.

59. Website Article from <http://circ.ahajournals.org>: *Circulation - Passive  
Containment and Reverse Remodeling by a Novel Textile Cardiac Support Device*  
dated July 12, 2003, Authors: Konertz, JD, PhD, Shapland, PhD, Hotz, MD, Dushe,  
MD, Braun, MD, Stantke, MD, Kleber, MD, PhD, Pages 1-11.

60. Article from *Progress in Cardiovascular Diseases*, July/August 2000,  
Volume. 43, No. 1: *Left Ventricular Assist Device-Induced Reverse Ventricular  
Remodeling*, Authors: Burkhoff, Holmes, Madigan, Barbone, and Oz, Pages 19-26.

61. Article from *The Journal of Thoracic and Cardiovascular Surgery*, May  
2001, Volume 121, No. 5, *Partial Left Ventriculectomy for Dilated Cardiomyopathy: Is  
This an Alternative to Transplantation?*, Authors: Franco-Cereceda, MD, PhD,  
McCarthy, MD, Blackstone, MD, Hoercher, RN, White, MS, Young, MD, Starling, MD,  
pages 879-893.

62. Article from *The Society of Thoracic Surgeons*, 1993, *Girdling Effect of*

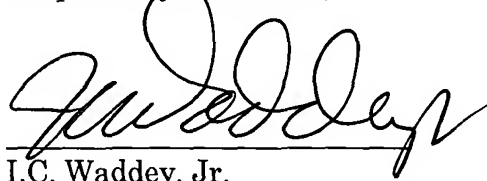
*Nonstimulated Cardiomyoplasty on Left Ventricular Function*, pages 867-871,  
Arthurs: Capouya, MD, Gerber, MD, Drinkwater, Jr., MD, Pearl, MD, Sack, MD,  
Aharon, MD, Barthel, BS, Kaczer, BS, Chang, BS and Laks, MD.

Copies of the listed documents are attached.

Applicant respectfully requests that these references be considered by the  
Examiner and made of record as part of the "available prior art" under 37 C.F.R.  
§1.104.

The Commissioner is authorized to charge any deficiency or credit any  
overpayment in connection with this Information Disclosure Statement to Deposit  
Account No. 23-0035.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'I.C. Waddey, Jr.', written over a horizontal line.

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Comparable to Form PTO-1449		U.S. Department of Commerce Patent & Trademark Office		Atty. Docket No.  N9464-ICW Customer No. 23456		Serial No.  Concurrent Herewith	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Applicant  Thomas David Starkey			
				Filing Date July 15, 2003		Group Not Yet Assigned	

Examiner Initial	Document No.	Date	Name	Class	Subclass	Filing Date If Appropriate
	5,092,879	March 3, 1992	Jarvik	623	3	
	5,702,343	December 30, 1997	Alferness	600	37	
	5,824,070	October 20, 1998	Jarvik	623	3	
	5,957,977	September 28, 1999	Melvin	623	3	
	5,967,440	October 5, 1999	Schweich, Jr., et al	600	16	
	6,024,096	February 15, 2000	Buckberg	128	898	
	6,045,497	April 4, 2000	Schweich, Jr., et al	600	16	
	6,050,936	April 18, 2000	Schweich, Jr., et al	600	37	
	6,059,715	May 9, 2000	Schweich, Jr., et al	600	16	
	6,077,214	June 20, 2000	Mortier, et al	600	16	
	6,077,218	June 20, 2000	Alferness	600	37	
	6,085,754	July 11, 2000	Alferness, et al	128	898	
	6,126,590	October 3, 2000	Alferness	600	37	
	6,123,662	September 26, 2000	Alferness, et al	600	37	
	6,155,972	December 5, 2000	Nauertz, et al	600	37	
	6,162,168	December 10, 2000	Schweich, Jr., et al	600	16	
	6,165,119	December 26, 2000	Schweich, Jr., et al	600	16	
	6,165,120	December 26, 2000	Schweich, Jr., et al	600	16	
	6,165,121	December 26, 2000	Alferness	600	37	
	6,165,122	December 26, 2000	Alferness	600	37	
	6,169,922	January 2, 2001	Alferness, et al	607	5	
	6,174,279	January 16, 2001	Girard	600	37	
	6,183,411	February 6, 2001	Mortier, et al	600	16	
	6,190,408	February 20, 2001	Melvin	623	3.1	
	6,193,648	February 27, 2001	Krueger	600	37	
	6,221,104	April 24, 2001	Buckberg, et al	623	3.1	
	6,230,714	May 15, 2001	Alferness, et al	128	898	
	6,241,654	June 5, 2001	Alferness	600	37	
	6,260,552	July 17, 2001	Mortier, et al	128	898	
	6,261,222	July 17, 2001	Schweich, Jr.	600	16	
	6,264,602	July 24, 2001	Mortier, et al	600	16	
	6,332,863	December 25, 2001	Scheich, Jr.	600	16	
	6,332,864	December 25, 2001	Schweich, Jr., et al	600	16	
	6,332,893	December 25, 2001	Mortier, et al	623	2.4	
	6,375,608	April 23, 2002	Alferness	600	37	
	6,370,429	April 9, 2002	Alferness, et al	607	5	
	6,402,679	June 11, 2002	Mortier, et al	600	16	
	6,402,680	June 11, 2002	Mortier, et al	600	16	
	6,406,420	June 18, 2002	McCarthy, et al	600	16	

		6,409,760	June 25, 2002	Melvin	623	3.1	
		6,416,459	July 9, 2002	Haindl	600	37	
		6,425,856	July 30, 2002	Shapland, et al	600	37	
		6,439,237	August 27, 2002	Buckberg, et al	128	898	
		6,450,171	September 17, 2002	Buckberg, et al	128	898	
		6,482,146	November 19, 2002	Alferness, et al	600	37	
		6,514,194	February 4, 2003	Schweich, Jr., et al	600	16	
		6,520,904	February 18, 2003	Melvin	600	16	
		6,537,198	March 25, 2003	Vidlund, et al	600	16	
		6,537,203	March 25, 2003	Alferness, et al	600	37	
		6,544,167	April 8, 2003	Buckberg, et al	600	37	
MISCELLANEOUS DOCUMENTS							
		Article from <i>The Journal of Thoracic and Cardiovascular Surgery</i> , February 1998, Pages 381- 388, <i>Intermediate-Term Outcome of Mitral Reconstruction in Cardiomyopathy</i> , Arthurs: Bolling, MD, Pagani, Md, PhD, Deeb, MD, and Bach, MD.					
		Article: from <i>JAMA</i> February 6, 2002, Vol. 287, No. 5, <i>Medical Management of Advanced Heart Failure</i> , Arthurs: Nohria, MD, Lewis, MD, Stevenson, MD, Pages 628-640.					
		<i>Heart Disease and Stroke Statistics - 2003 Update</i> , American Stroke Association, Pages 1-43					
		Article: <i>Pathophysiology of Heart Failure in Heart Disease, a Textbook of Cardiovascular Medicine</i> , Pages 453-471, Braunwald, MD, W.B. Saunders, 1980					
		Article from <i>The Journal of Thoracic and Cardiovascular Surgery, Evolving Technology</i> , Volume 125, No. 2: <i>Left Ventricular Reshaping: Effects on the Pressure-Volume Relationship</i> , Arthurs: Kashem, MD, PhD, Hassan, MD, PhD, Crabbe, MD, Melvin, MD, Santamore, PhD, Pages 391-399					
		Article from <i>The Journal of Thoracic and Cardiovascular Surgery, Evolving Technology</i> , September 2001, Volume 122, No. 3: <i>Device-based Change in Left Ventricular Shape: A New Concept for the Treatment of Dilated Cardiomyopathy</i> , Arthurs: McCarthy, MD, Takagaki, MD, PhD, Ochial, MD, Tabata, MD, PhD, Shiota, MD, Qin, MD, Thomas, MD, Mortier, BS, Schroeder, BS, Schweich, Jr., MD, Fukamachi, MD, PhD, Pages 482-490					
		Article from <i>The Journal of Heart and Lung Transplantation</i> , June 2002, Volume 21, No. 6: <i>Myosplint Implant and Shape-Change Procedure: Intra- and Peri- operative Safety and Feasibility</i> , Arthurs: Schenk, MD, Reichenspurner, MD, PhD, Boehm, MD, PhD, Groetzner, MD, Schirmer, MD, Detter, MD, Koglin, MD, Schwaiblmair, Meiser, MD, and Reichart, MD, Pages 680-686					

		Website Article from <a href="http://circ.ahajournals.org">http://circ.ahajournals.org</a> : <i>Circulation - Passive Containment and Reverse Remodeling by a Novel Textile Cardiac Support Device</i> dated July 12, 2003, Arthurs: Konertz, JD, PhD, Shapland, PhD, Hotz, MD, Dushe, MD, Braun, MD, Stantke, MD, Kleber, MD, PhD, Pages 1-11
		Article from <i>Progress in Cardiovascular Diseases</i> , July/August 200, Volume. 43, No. 1: <i>Left Ventricular Assist Device-Induced Reverse Ventricular Remodeling</i> , Arthurs: Burkhoff, Holmes, Madigan, Barbone, and Oz, Pages 19-26
		Article from <i>The Journal of Thoracic and Cardiovascular Surgery</i> , May 2001, Volume 121, No. 5, <i>Partial Left Ventriculectomy for Dilated Cardiomyopathy: Is This an Alternative to Transplantation?</i> , Arthurs: Franco-Cereceda, MD, PhD, McCarthy, MD, Blackstone, MD, Hoercher, RN, White, MS, Young, MD, Starling, MD, pages 879-893
		Article from <i>The Society of Thoracic Surgeons, 1993, Girdling Effect of Nonstimulated Cardiomyoplasty on Left Ventricular Function</i> , pages 867-871, Arthurs: Capouya, MD, Gerber, MD, Drinkwater, Jr., MD, Pearl, MD, Sack, MD, Aharon, MD, Barthel, BS, Kaczer, BS, Chang, BS and Laks, MD
Examiner:	Date Considered	
<p>*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>		